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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kohane <i>et al.</i>	Examiner:	Nguyen, Dave Trong
Serial No.:	09/981,460	Art Unit:	1632
Filed:	October 16, 2001		
Title:	LIPID-PROTEIN-SUGAR PARTICLES FOR DELIVERY OF NUCLEIC ACIDS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Robert S. Langer, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application Serial No. 09/981,460, filed October 16, 2001, and entitled "LIPID-PROTEIN-SUGAR PARTICLES FOR DELIVERY OF NUCLEIC ACIDS".
2. This Declaration is presented for the purpose of removing from consideration by the Examiner a reference by Edwards *et al.*, entitled "Preparation of Particles for Inhalation", U.S. Patent 5,985,309, issued November 16, 1999 (the '309 patent). The present Declaration is presented in accordance with *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982) and establishes that the allegedly anticipatory material in the '309 was not invented by another.
3. I am an inventor on the instant application and am also an inventor on the '309 patent.
4. David A. Edwards, Rita Vanbever, Jeffrey Mintzes, Jue Wang, and Donghao Chen are the other co-inventors on the '309 patent. Edwards, Vanbever, Mintzes, Wang, and Chen are not inventors of the claimed invention in the present application. Vanbever was working under my